

**CITY OF MORGAN HILL
JOINT SPECIAL CITY COUNCIL AND
SPECIAL REDEVELOPMENT AGENCY MEETING
MINUTES – JUNE 2, 2004**

CALL TO ORDER

Mayor/Chairman Kennedy called the special meeting to order at 6:00 p.m.

ROLL CALL ATTENDANCE

Present: Council/Agency Members Carr, Sellers, Tate and Mayor/Chairman Kennedy
Late: Council/Agency Member Chang (arrived at 6:25 p.m.)

DECLARATION OF POSTING OF AGENDA

City Clerk/Agency Secretary Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

City Council and Redevelopment Agency Action

CLOSED SESSIONS:

City Attorney/Agency Counsel Leichter announced the below listed closed session item.

1.

CONFERENCE WITH LEGAL COUNSEL: EXISTING LITIGATION

Authority:	Government Code section 54956.9(a)
Case Name:	Arcadia Development Company
Case Number:	County of Santa Clara No. 104CV020598

OPPORTUNITY FOR PUBLIC COMMENT

Mayor/Chairman Kennedy opened the Closed Session item to public comment. No comments were offered.

ADJOURN TO CLOSED SESSION

Mayor/Chairman Kennedy adjourned the meeting to Closed Session at 6:03 p.m.

RECONVENE

Mayor/Chairman Kennedy reconvened the meeting at 7:00 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney/Agency Counsel Leichter announced that authority was given to defend in the case of Arcadia Development versus the City of Morgan Hill as listed above.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Mayor Kennedy opened the floor to public comment for items not appearing on this evening's agenda. No comments were offered.

City Council Action

OTHER BUSINESS:

1. **PURCHASE ORDER FOR THE FURNISHINGS, FIXTURES, AND EQUIPMENT (FF&E) FOR THE NEW POLICE FACILITY**

City Manager Tewes presented the staff report. In response to Mayor Kennedy's questions, he indicated that existing computer systems will be moved to the new police facility and that new equipment will be purchased and installed as well.

Mayor Pro Tempore Sellers said that in looking at the description of services the City will be receiving, the technician services were \$115/hour which struck him to be a little high. He inquired whether this was an average rate.

City Manager Tewes said that these are the rates that are established in the City's contract with Millers Network as supplemental services. He indicated that the City has recently conducted a procurement for follow up services where eight qualified vendors submitted proposals. He informed the Council that staff will be evaluating these proposals and that the City will be recommending a new contract to the Council in approximately two weeks. He said that the City is reviewing alternatives and that the City may be able to obtain better rates in the future.

Mayor Kennedy opened the floor to public comment. No comments were offered.

Action: *On a motion by Council Member Tate, and seconded by Council Member Carr, the City Council unanimously (5-0) **Authorized** the City Manager to Approve a Purchase Order in the Amount of \$30,000 to Miller Networks, Inc. for Moving and Installation of Current Computers, Servers and Printers and Installation of Newly Purchased Computers and Printers from FF&E at the New Police Facility.*

2. **APPOINT ECONOMIC DEVELOPMENT SUBCOMMITTEE (EDS) AS CITY COUNCIL REPRESENTATIVES TO COMMUNITY MEETINGS REGARDING THE IMPLEMENTATION OF AN AUTO DEALERSHIP (ORAL REPORT TO BE PRESENTED)**

Mayor Kennedy indicated that the EDS met this past Friday and discussed the proposed auto dealership plan for the Walnut Grove area. He said that the EDS talked about the best approach to undertake and how best to involve the community in the process. He recommended that the EDS (Council Member Carr and Mayor Kennedy) be appointed to meet with neighbors and discuss the issues that have been raised, working closely with City staff to help facilitate a solution that will work. The EDS will bring back the solution to the Council. He said that typically, the EDS would have this as part of its role. As reaching out to the community is taking the role a step further, he wanted to give the Council an opportunity to discuss the recommendation.

Council Member Tate stated that he has already met with some of the Walnut Grove neighbors. He said that the neighbors have specific questions they want answered. He did not believe that the EDS could answer the questions for the Council.

Mayor Kennedy recommended that the EDS receive Council suggestions/directions prior to entering into discussions with the neighbors. He said that it was not his intent to speak for the Council.

Council Member Tate expressed concern with the terminology “to facilitate a solution” as stated by Mayor Kennedy.

Council Member Carr stated that the EDS worked with staff last Friday where staff presented their thoughts on how to move forward with the implementation plan for the Walnut Grove PUD. He felt that the EDS would continue to be the Council’s liaison to staff, and where appropriate, with the community. He said that the EDS still needs to discuss a lot of the issues. However, he felt that there is a primary role for staff and the consultants such as gathering questions and determining/finding out what the concerns/issues are. He did not believe that the EDS would be negotiating an agreement on behalf of the Council. He felt that the entire Council will need to have lengthy discussions, work on some of the issues, and decide whether it wants to move forward with the PUD.

Mayor Kennedy felt that the EDS was subject to the Council’s direction. He noted that he listened to the John Telfer Drive residents’ concerns. He brought their concerns to staff where staff identified possible solutions. These solutions were presented and reviewed by the neighbors and resulted in a tentative agreement being worked out, and later approved by the Council. If the Council can take steps to listen to neighbors’ concerns, working with staff and the consultant, offering possible alternatives, the EDS can come up with a recommended plan and bring it back to the Council for its consideration.

Mayor Pro Tempore Sellers said that the uniqueness of this situation is that there is an expectation, on the part of the community, that in prior Council discussions, it created a certain decision. The concern he heard, from the onset, was that the Council was hiding behind a previous decision. He felt that the Council should be visible and receptive to listening to the neighborhood concerns. The Council could let residents know that a solution would be a collaborative/collective one. He recommended that the EDS make itself available, advising residents that the Council will work on the PUD together. He supported Mayor Kennedy’s recommendation as long as the EDS does not try to craft a solution prior to returning to the Council.

Council Member Chang inquired whether a general meeting could be scheduled where all Council members could be in attendance. At this meeting, the Council could indicate that it appointed the EDS to work with the adjacent neighbors.

Council Member Carr indicated that staff held a public meeting with the neighborhood residents and that he was not sure whether the Council should be involved in a public forum at this time.

Council Member Chang inquired whether individual Council members could still meet with the residents outside the EDS.

Council Member Tate noted that the EDS could announce that residents can meet with other Council members.

Mayor Kennedy said that it has been his experience, with meetings similar to this one that the public will want to contact Council members directly to see how they feel about certain issues.

Council Member Tate expressed concern that when the Council conducted an earlier workshop, the Council had questions that needed to be answered. However, the Council did not reach a consensus at the workshop. He requested that the EDS not represent an agreement with the residents prior to Council discussion/direction.

Mayor Kennedy indicated that he does not represent a majority vote on the Council. He felt that it was up to the Council to make a decision/give direction. He felt that it was important for the Council to hear the concerns and issues directly. This does not preclude Council members from meeting with individuals, neighbors, etc.

Council Member Tate stated that he would expect frequent committee reports from the EDS.

Council Member Carr agreed with Council Member Tate that the Council did not conclude its discussion at the prior Walnut Grove PUD workshop. He felt that the five Council members will need time to review and work through the issues. He indicated his willingness to serve as the Council's liaison to staff on this issue.

Mayor Kennedy opened the floor to public comment. No comments were offered.

Action: *On a motion by Council Member Tate and seconded by Mayor Pro Tempore Sellers, the City Council unanimously (5-0) **Approved** the Mayor's Appointment of the Council Economic Development Subcommittee as the City Council's representatives to community meetings regarding the Implementation of an Auto Dealership.*

FUTURE COUNCIL-INITIATED AGENDA ITEMS

No items were identified.

ADJOURNMENT

There being no further business, Mayor/Chairman Kennedy adjourned the meeting at 7:26 p.m.

MINUTES RECORDED AND PREPARED BY:

IRMA TORREZ, City Clerk/Agency Secretary